

*In re New England Compounding Pharmacy,
Inc. Prods. Liab. Litig.*
No. 1:13-md-02419-RWZ

U.S. Food & Drug Admin. Mot. Prot. Order

Ex. C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: TELEXFREE SECURITIES)
LITIGATION)
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This Document Relates To:) MDL No. 4:14-md-2566-TSH
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All Cases)
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MDL Case Management Order No. 5

March 10, 2015

Hillman, D.J.

1. This Order addresses the Motion Of The United States (Department of Justice) For Leave To Intervene And For A Stay of Discovery Pending Resolution Of Parallel Criminal Proceedings (Docket No. 62). That motion is hereby granted, as provided in this Order.¹
2. Discovery proceedings in this matter shall be stayed pending resolution of the parallel criminal action, *United States v. Merrill*, 14-40028-TSH (“Criminal Case”) and more specifically, the conclusion of the criminal prosecution of James Merrill (“Merrill”) and Carlos Wanzeler (“Wanzeler”), by way of entry of a plea of guilty, jury verdict or dismissal of all charges.²

¹ The Government’s request to intervene has previously been allowed.

² Wanzeler is currently a fugitive from justice. Should he remain a fugitive, the Court will reconsider the stay upon resolution of the case against Merrill.

3. The parties shall finalize their agreement concerning the terms of the stay and provide the Court with their proposed joint order on or before March 23, 2015.

4. The proposed joint order shall include a provision to the effect that every six months, commencing September 24, 2015, the Government shall file an update as to the status of the Criminal Case at which time the provisions of the stay order may be modified for good cause shown. Additionally, the stay order shall include a provision to the effect that the Government shall promptly file a notice advising the parties of the conclusion of the criminal prosecution of any Defendant.

So Ordered.

/s/ Timothy S. Hillman
Timothy S. Hillman
United States District Judge